IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Vikram Singh & ors. Versus State of Rajasthan & ors.

S.B. Criminal Misc. Petition No. 239/2006
against the order dated 16-2-2006 passed
by the Additional Sessions Judge, Rajgarh,
district Churu, in Cri. Revision No.40/2000.

...

Date of Order: September 05, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Bheem Kant Vyas, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 16-2-2006 passed by the Additional Sessions Judge, Rajgarh, district Churu (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 40/2000, whereby the revision petition filed by the petitioners against the order dated 19-9-2000 passed by the Sub-Divisional Magistrate, Rajgarh, district Churu (for short, "the Executive Magistrate" hereinafter), was dismissed.

I have heard learned counsel for the petitioners and the Public Prosecutor for the State. Carefully gone through the

orders passed by the Executive Magistrate and the Revisional Court.

From a perusal of the order-sheets, it appears that the matter was brought to this Court by the present petitioners by way of filing a writ petition and this Court, vide order dated 1.3.2000 passed in the writ petition, directed the Executive Magistrate to decide the proceedings pending before him within six months. Despite directions of this Court, the petitioners failed to produce any evidence. It appears from the order sheets that several opportunities were granted to the petitioners to produce the evidence but they failed to produce any evidence and the proceedings could not be decided within the period of six months in pursuance of the direction of this Court. Ultimately, by the order dated 19-9-2000, the Executive Magistrate closed the evidence of the petitioners. On revision, the Revsional Court considered the material in right perspective that these are the petitioners who wanted to linger on the matter and do not want to produce any evidence in support of their case. Therefore, it cannot be said that the impugned orders would result in serious miscarriage of justice or abuse of process of the Court.

The criminal miscellaneous petition is dismissed.

(H.R. PANWAR), J.

mcs